

APPROVED: Meeting No. 40-96

ATTEST: *Paula S. Jewell*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 36-96

September 24, 1996

The Mayor and Council convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on September 24, 1996, at 7:32 p.m.

PRESENT

Mayor Pro Tem Robert E. Dorsey

Councilmember Glennon J. Harrison

Councilmember Robert J. Wright

Councilmember James T. Marrinan

ABSENT

Mayor Rose Krasnow

In attendance: City Manager Rick Kuckkahn, Brenda Bean, filling in for City Clerk Paula Jewell who was away on travel, and City Attorney Paul Glasgow.

Upon motion of Councilmember Glennon Harrison, duly seconded and unanimously passed, Councilmember Dorsey was selected to serve as Mayor Pro Tem.

Re: City Manager's Report

1. Mr. Kuckkahn announced a program the City has developed designed to help parents and teens through difficult times. It is called the Step Teen Program and commences Tuesday, October 1st and will run for approximately eight weeks.
2. This Fall the Police Department will offer two citizen police academies; one for Senior Citizens, and the other for the community at-large.

3. Betsy Thompson, the Rockville Sister City Liaison, recently returned from a trip to Pinneberg, Germany. The purpose of her trip was to promote and foster Rockville's relationship with Pinneberg and the newly elected Mayor (Burgermeister) and other officials of that City. Ms. Thompson will provide the Mayor and Council with a full report of her Pinneberg visit at a future Mayor and Council meeting.

4. The City's Annual Report is complete and available at City Hall. New this year is the accessibility of this report on the World Wide Web. Web users will have the option to download this document. The Rockville Reports newsletter is also available through our Web home page.

5. The 9th Annual Rockville Oktoberfest will take place this weekend September 28th, in the Town Center. Mr. Kuckkahn expressed appreciation to Venable Attorneys at Law for their continued sponsorship of this exciting Rockville event. Rockville's Sister City Corporation's 10th annual 10K Volksmarch will also take place on September 28th in connection with Oktoberfest festivities.

6. F. Scott Fitzgerald would be 100 years old today. To commemorate the centennial anniversary of his birth, Rockville is hosting many events which include the grand opening of the newly renovated F. Scott Fitzgerald Theatre lobby at the Glenview Mansion grounds, the Flappers and Philosophers Ball which will take place Friday, September 27th and the Literary Conference which will take place Saturday, September 28th.

7. The Mayor and Council, along with former Redskin Larry Brown, helped officially kick off the Rockville Football League's 31st season at Dogwood Park this past Saturday.

8. Rockville recently won an "Excellence in Maintenance" award for the appearance of City Hall. This award will be presented on October 7th at the National Institute on Park & Ground Management Conference.

Re: Presentation of Proclamation  
recognizing October 1996 as  
Mentoring Month.

Proclamation No. 22-96

By a unanimous vote of the Mayor and Council, the month of October, 1996 was declared **MENTORING MONTH** in Rockville. Upon the request of Mayor Pro Tem Dorsey, Councilmember Robert Wright read the Proclamation, the full text of which can be found in the 1996 Proclamation File of the Mayor and Council. Copies of the Proclamation were presented to Jeff Stinehelfer, a mentor with the College Gardens Elementary School program, and Lisa Hall, a mentor from the Mark Twin School program.

Re: Citizens Forum - This time is  
set aside to hear from any citizen  
who wishes to address the  
Mayor and Council.

1. John Moser, 208 Upton Street commented on how wonderful the F. Scott Fitzgerald Theatre opening was and thanked staff involved who contributed to the overall

success of the event. Mr. Moser also mentioned two upcoming F. Scott Fitzgerald events: the Flappers and Philosophers Ball which is scheduled for Friday, September 27th; and the Literary Conference which will take place Saturday, September 28th.

2. Mansfield Kaseman, 704 Carter Road commented on the Townhouse Overlay project, RTH96-0017 and said that he was under the impression that this project would offer affordable housing. He also voiced his concern over the moratorium which was recently placed on Residential Townhouse Overlay Applications saying that he believed that the moratorium might also have a negative impact on affordable housing. Councilmember Harrison explained that the moratorium would be in place for six months, and that the purpose was not to decrease affordable housing, but to suspend all residential townhouse development applications until the entire process has carefully been reviewed. Mr. Harrison indicated that citizen input is critical during the overview process and he urged Mr. Kaseman to deliver his comments to the Planning Commission.

Councilmember Wright asked that public notice be given regarding the review of the RTH process so that all points of view may be considered.

3. Larry Goldstein, Helios/Towle, LLC (The Penrose Group), invited the Mayor and Council to attend a lunch that Helios is hosting on Friday, September 27th, on the grounds of the King Farm. The purpose of the lunch is to provide approximately 250 real estate representatives people with an opportunity to tour the grounds.

Mr. Goldstein informed the Mayor and Council that the design guidelines and the first detailed application for stormwater management for the King Farm

development had been recommended for approval by the Planning Commission.

Mr. Goldstein mentioned that the School Board's current planning is to divide the King Farm in half as it relates to school districts. One-half would go to Richard Montgomery School and students residing north of Redland Road would fall within the Gaithersburg High School boundaries. The Penrose Group is seeking a modification from the school board to these plans to provide for all of King Farm to fall within one school district and would like Mayor and Council support during negotiations with the County.

The Penrose Group has submitted a contract to purchase 40 acres of land on the Chestnut Lodge tract for potential development. They are working closely with the neighborhood as the plans to develop unfold.

4. David Hill, 340 W. Edmonston Drive, read a prepared statement to the Mayor and Council regarding Residential Townhouse Development Application No. RTH96-0017, Montgomery County Government, Applicant, expressing his opposition to the project.

5. Paul Newman, 701 Carter Road, also spoke in opposition to the proposed townhouse overlay project.

6. Gale Luce, 1091 Welsh Drive, a Hungerford-Stoneridge resident, commented on the Residential Townhouse Overlay project. She opposes the approval of this application because, in her opinion, the neighborhood has been besieged with townhouse development.

Re: Approval of Minutes

Upon motion of Councilmember Harrison, duly seconded and unanimously passed, with Councilmember Marrinan abstaining as he was absent from the meeting, the Minutes of Meeting No. 30-96 (July 15, 1996) were approved.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Minutes of Meeting No. 31-96 (July 22, 1996) were approved as amended.

Upon motion of Councilmember Harrison, duly seconded and unanimously passed, the Minutes of Meeting No. 32-96 (July 29, 1996) were approved as amended.

Re: Consent Agenda

Councilmember Wright requested the removal of Consent Agenda Items A and D. Upon motion of Councilmember Wright, duly seconded and unanimously passed, the following items were approved:

- (B) Introduction of Ordinance to Grant Text Amendment TXT96-0156, Mayor and Council of Rockville, Applicant.

To amend Section 25-18 of the Zoning Ordinance to permit monopoles that are located on City-owned property to exceed the height limit for the zone in which they are located.

- (C) Award of Bid #28-97  
To: Arundel Associates, Inc.  
Of: Crofton, MD  
In the amount of \$45/hour in their office; \$70/hour outside their office; and \$90/hour at hearings.

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For: Property Tax Appeal Challenge Services

- (E) Receipt of financial reports summarizing the results of City operations for the period from July 1, 1996 through August 31, 1996.

Re: Item (A) - Approval of Revocable License Agreement between the City and Peter G. Sulzer and Martin F. Lynott, Trustees for the Bullis Track Joint Venture, authorizing, under certain conditions, the maintenance of a paved area, lighting, a fence and gate, and certain other related improvements serving the Rock Creek Woods apartment on a small portion of Twinbrook Park adjacent to the apartment property. Authorization for the City Manager to execute such a Revocable License Agreement in a form satisfactory to the City manager and the City Attorney.

Regarding the Revocable License Agreement, Councilmember Wright inquired how the City might approve the design of the proposed fence and gate to be installed. The City Manager responded that the fence and gate had in fact already been constructed and the design met specified guidelines.

With respect to the insurance on the project, Councilmember Wright inquired whether the City could require proof, on an annual basis, that it is still insured.

The City Attorney responded that a provision for this could be added to the Agreement.

Councilmember Harrison inquired why the Rockville taxpayers had to incur the cost of installing the gate since the situation was not caused by the City. Mr.

Kuckkahn said that the cost of the gate was a marginal expense and staff felt that it was worth providing access through the fence, by installing a gate, since there was a benefit to both the City and the property owner.

The Mayor Pro Tem and Council discussed whether the property owner should be required to pay for the gate. In response to Councilmember Marrinan's question, Mr. Kuckkahn said the cost of the gate was between two and three hundred dollars. It was agreed that additional background information regarding the installation of the fence and gate was needed. Staff was asked to provide the information for the Mayor and Council's October 14th General Session.

Re: Item (D) - Award of RFP #30-97  
To: John Moser  
Of: Rockville, MD  
In the amount of not to exceed \$10,000  
For: Coordination of Legislative  
Program.

With respect to the coordination of the legislative program with the State Delegation, Councilmember Wright said he was pleased that the bid award was going to John Moser. Councilmember Marrinan stated that Mr. Moser has worked in Annapolis for a number of years and was familiar with the environment, and he felt that Mr. Moser's experience will greatly enhance Rockville's legislative efforts in Annapolis.

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Councilmember Harrison also expressed his satisfaction with the selection of John Moser and said that he will bring much energy and enthusiasm as Rockville's legislative liaison in Annapolis this Fall. Councilmember Dorsey indicated that he was excited at the prospect of having our own advocate in Annapolis during the session.

Upon motion of Councilmember Wright, duly seconded and unanimously passed, the award of the Contract for the Coordination of a Legislative Program in Annapolis was approved.

Re: Adoption of Resolution to  
approve Exploratory Application  
for Residential Townhouse  
Development RTH96-0017,  
Montgomery County  
Government, Applicant.

Resolution No. 13-96

With respect to condition one on page six of the Resolution, Councilmember Harrison asked that more specific language be included stating that the Planning Commission shall, at the request of the abutting Hungerford-Stoneridge neighborhood, impose a requirement on the developer to provide access between the subject property at or near Leverton and Carter Roads.

Upon motion of Councilmember Wright, duly seconded and unanimously passed, the Resolution to approve the Exploratory Application for 23 residential townhouses on Wootton Parkway, west of Edmonston Drive, as amended, was approved.

A copy of Resolution No. 13-96 may be found in Resolution Book 11 of the Mayor and Council.

Re: Adoption of Resolution to impose a moratorium on the filing of Special Development Procedure applications pursuant to Article XII, Division 6, Residential Townhouse (RTH) development, of the zoning and planning ordinance.

Resolution No. 14-96

Councilmember Harrison noted that the six month period should actually be from September 9, 1996 until March 12, 1997, and not February 12, 1997, the way the proposed Resolution read. He asked that the correct date of March be reflected.

Upon motion of Councilmember Harrison, duly seconded and unanimously passed, the Resolution imposing a moratorium on the filing of special development procedure applications pursuant to Article XII, Division 6, Residential Townhouse Development under the Zoning and Planning Ordinance, was approved. A copy of Resolution No. 14-96 may be found in Resolution Book 11 of the Mayor and Council.

Councilmember Harrison urged all those citizens and interested parties to correspond with the Chairperson of the Planning Commission to impart any thoughts or feelings with respect to changes in the Residential Townhouse procedure.

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Re: Discussion and Instructions to  
Staff regarding Annexation  
Petition ANX96-0122, Alice  
Kelly, applicant.

City Manager Kuckkahn reminded the Mayor and Council that this application was heard at a Public Hearing on July 15, 1996. He noted that this application sought to annex approximately a 3.9 acre parcel located on Dover Road, south of Gude Drive. Lisa Rother, Chief of Planning, reported on Maryland National Capital Park and Planning Commission (MNCPPC) response to this annexation petition. Overall, the Planning Board is supportive of this Petition. They would like to see, however, a condition that the applicant volunteer to pay the park and planning taxes on the property or make a payment in lieu of taxation.

Alice Kelly, the applicant, asked for clarification on the annexation procedure from the point after this evening's discussion. The City Attorney informed Ms. Kelly that a Resolution approving the Annexation would occur at the next meeting of the Mayor and Council. He also indicated that an Ordinance applying the I-1 zoning would be introduced. The annexation will not become final until 45 days after it is adopted. This period of time was mandated in order to allow time for any opposition on whether the property should be annexed. Mr. Glasgow indicated to Ms. Kelly that this Annexation Petition was straightforward and that she could expect her property to become annexed around the first of December.

Re: New Business

1. Mayor Pro Tem Dorsey attended a Human Services Public Safety Policy Committee at COG last Friday. He asked that staff complete a form regarding the City's Character Counts activities and send it back to the Council of Governments.

2. Mayor Pro Tem Dorsey indicated that he has been approached by citizens inquiring about the possibility of establishing a commission of volunteers who would be interested in helping with the paperwork associated with the applications for federal and state grant funds. Councilmember Harrison suggested that this topic is something that might be considered by the Human Needs and Advisory Task Force.

3. Councilmember Wright mentioned the Mayor and Council Walking Town Meeting that would take place in the Hungerford neighborhood on Saturday, October 5th. He expressed his regret that a family commitment would preclude him from attending and he urged the Hungerford residents to attend.

Re: Adjourn

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:14 p.m., to convene again in General Session at 7:30 p.m. on October 14, 1996, or at the call of the Mayor.